

Senate File 2088

H-8056

1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 251, after line 10 by inserting:

4 <DIVISION

5 INTERACTIVE VIDEO

6 TELECONFERENCING — INVOLUNTARY

7 COMMITMENT HEARINGS

8 Sec. _____. Section 125.82, subsection 4, Code 2009,
9 is amended to read as follows:

10 4. The respondent's welfare is paramount, and the
11 hearing shall be tried as a civil matter and conducted
12 in as informal a manner as is consistent with orderly
13 procedure, which may include the use of an interactive
14 video teleconferencing system consistent with standards
15 adopted by rule by the supreme court. Discovery as
16 permitted under the Iowa rules of civil procedure is
17 available to the respondent. The court shall receive
18 all relevant and material evidence, but the court is
19 not bound by the rules of evidence. A presumption
20 in favor of the respondent exists, and the burden of
21 evidence and support of the contentions made in the
22 application shall be upon the person who filed the
23 application. If upon completion of the hearing the
24 court finds that the contention that the respondent is
25 a chronic substance abuser has not been sustained by
26 clear and convincing evidence, the court shall deny the
27 application and terminate the proceeding.

28 Sec. _____. Section 229.12, subsection 3, paragraph
29 a, Code Supplement 2009, is amended to read as follows:

30 a. The respondent's welfare shall be paramount
31 and the hearing shall be tried as a civil matter
32 and conducted in as informal a manner as may be
33 consistent with orderly procedure, but consistent
34 therewith the issue shall be tried as a civil
35 matter which may include the use of an interactive
36 video teleconferencing system consistent with standards
37 adopted by rule by the supreme court. Such discovery
38 as is permitted under the Iowa rules of civil procedure
39 shall be available to the respondent. The court shall
40 receive all relevant and material evidence which may
41 be offered and need not be bound by the rules of
42 evidence. There shall be a presumption in favor of the
43 respondent, and the burden of evidence in support of
44 the contentions made in the application shall be upon
45 the applicant.>

VAN ENGELENHOVEN of Marion